

Patent
Serial No. 09/933,788
Reply Brief

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket: NL 010233
JOSEPHUS A.H.M. KAHLMAN ET AL.	Conf. No.: 6726
Serial No.: 09/933,788	Group Art Unit: 2621
Filed: August 21, 2001	Examiner: H. Shibru

TITLE: COPY PROTECTION OF OPTICAL DISCS COMPRISING A CHIP

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF

Sir:

Appellant herewith respectfully presents its Reply Brief as follows:

ARGUMENT/REMARKS

The Examiner's Answer has taken a position that "[t]he phrase 'communication channel' is broad and read on the element of the cited reference", namely Shimizu. (See, Examiner's Answer, page 7, numbered paragraph 10.) It is respectfully submitted that a claim must be read, and interpreted for that matter, with each of the elements considered in a consistent manner with other elements of the claim. Claim 1 requires in pertinent part a (emphasis added) "record carrier having a first area for storing information, and a second area, the second area comprising an integrated circuit, ... wherein said integrated circuit further comprises: means for generating a first communication channel operating at a first frequency; and means for generating, simultaneously with said first communication channel, a second communication channel operating at a second frequency, the first frequency being substantially unequal to the second frequency." It is in light of the requirements of the claims that the assertion is made that the channels in Shimizu are not communication channels as envisioned in the subject invention. The disk of the present system has a first area, similar as the area of Shimizu, and a second area, which is not

envisioned by Shimizu. It is respectfully submitted that the present system and the claims as presented require that it is the second area including an integrated circuit that includes means for simultaneously generated first and second communication channels operating at substantially unequal frequencies. It is respectfully submitted that this is neither disclosed nor suggested by any combination of the prior art of record including Shimizu.

On page 8, lines 3-5 of the Examiner's Answer, the position is taken that Appellants have attempted to attack the cited prior art references individually wherein the rejection is based on the combination of references. It is respectfully submitted that the Appellants have merely addressed positions taken in the Office Action and have as such, taken these positions regarding each of the references individually as related to what may be fairly said to be disclosed or suggested by combining the references.

On page 8, lines 10-17 of the Examiner's Answer, the position is taken that since "[b]oth fiber optics and optical disc carries information signals, audio and video, and claim 8 recites that the first frequency (channel) is an optical frequency range and the second frequency is in a radio frequency range ... Blake discloses

... that using optical frequency and radio frequency is well known at the time the invention was made ...". In response, it is respectfully submitted that claim 8 depends from claim 1 and as such, must be interpreted in light of this dependency. It is not the Appellants' position that they were the first to transmit information signals using either of optical or radio frequencies nor can claim 8 be fairly read so broadly. Claim 8 requires in pertinent part (emphasis added) "[t]he record carrier as claimed in claim 1, characterized in that the first frequency is in an optical frequency range and the second frequency is in a radio frequency range." As such, claim 8 requires a "record carrier having a first area for storing information, and a second area, the second area comprising an integrated circuit, ... wherein said integrated circuit further comprises: ... means for generating, simultaneously with said first communication channel, a second communication channel operating at a second frequency, the first frequency being substantially unequal to the second frequency" based on the dependency of claim 8 on claim 1. As such, it is submitted that Blake is not in a related field of endeavor as the present patent application and in any event, does not supply that which is missing

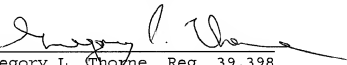
from the other cited prior art, namely Ono in view of O'Connor in further view of Shimizu.

CONCLUSION

Claims 1-3, 5-14, 16-19 and 21-24 are patentable over Ono in view of O'Connor in further view of Shimizu, alone, and in combination with Blake.

Thus the Examiner's rejection of Claims 1-3, 5-14, 16-19 and 21-24 should be reversed.

Respectfully submitted,

By 

Gregory L. Thorne, Reg. 39,398
Attorney for Applicant(s)
September 17, 2007

THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101